

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

:

v : 3:16-CR-254

DAVID D. KLEPADLO : (Judge Mannion)
DAVID D. KLEPALDO & ASSOC.

:

Defendants

ORDER

Although defendants' counsel was aware this case was scheduled for sentencing on September 1, 2020 since at least June 26, 2020, they chose to file a lengthy sentencing memorandum supplement, together with multiple exhibits on Friday, August 28, 2020, leaving one business day before the sentencing. In reviewing the supplement and exhibits, new arguments concerning the application of the sentencing guidelines are made and additional information concerning upcoming scheduled medical procedures for the defendant are brought to the court's attention for the first time. Experienced counsel would understand that many of those arguments would reasonably require a response from the government. Given the timing, length and content included in the supplement, one might readily interpret it as sandbagging, at most, and professionally disappointing at least.

Unfortunately, because the court feels the interests of justice make it appropriate to allow the government time to respond in writing and because the court feels it is in the defendant's best interest to have his scheduled September 24, 2020 medical procedure completed prior to sentencing, the sentencing scheduled for September 1, 2020, is hereby continued. In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

The Sentencing in the above captioned case is continued until **October 14, 2020 at 10:30 a.m.** in the William J. Nealon Federal Building and United States Courthouse, 235 North Washington Avenue, Scranton, Pennsylvania in a Courtroom to be designated at a later time. Government counsel are to respond to the Defendant's Supplement to their sentencing memorandum on or before September 18, 2020. Any additional written submissions must be received by the court and opposing counsel on that date unless otherwise approved by the court.

Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: August 31, 2020
16-254-03